



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

**Original via UPS -- Copy via Electronic Mail**

October 1, 2018

Mr. Charles Maguire, Director  
Water Quality Protection Division (6WQ)  
U. S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

**Re: State Certification**

Dear Mr. Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Elimination System (NPDES) permit: **San Juan Coal Mine - San Juan Mine - NM0028746**.

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to reasonably ensure that the action is consistent (will comply with) with state law [New Mexico Water Quality Act, §§ 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978]; and will not violate applicable state Water Quality Standards [*Standards for Interstate and Intrastate Surface Waters*, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)], including the antidegradation policy; and the statewide Water Quality Management Plan and Continuing Planning Process, including Total Maximum Daily Loads.

Pursuant to state regulations for permit certification in 20.6.2.2001 NMAC, USEPA jointly with NMED provided public notice on August 25, 2018. NMED posted link on the Department's website at <https://www.env.nm.gov/public-notices/> and <https://www.env.nm.gov/surface-water-quality/public-notices/>. NMED's public comment period ended on September 24, 2018. No comments were received.

Sincerely,

/s/Shelly Lemon

Shelly Lemon  
Bureau Chief  
Surface Water Quality Bureau

**October 1, 2018**  
**San Juan Coal Mine - San Juan Mine - NM0028746**  
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cc: (w/enclosures)

- Ms. Evelyn Rosborough, USEPA (6WQ-PO) via e-mail
- Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail
- Mr. Steven Pierro, President and General Manager, San Juan Coal Company, P.O. Box 561, Waterflow, NM 87421 via Certified Mail (7017 2400 0000 5585 3377)
- Mr. Daniel Mumm, San Juan Coal Company via e-mail
- Mr. James R. Smith, P.E., Program Manager, Coal Mine Reclamation Program, New Mexico Mining and Minerals Division, New Mexico Energy, Minerals and Natural Resources Department via e-mail

Ms. Anne L. Idsal, Regional Administrator  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 75202-2733

October 1, 2018

STATE CERTIFICATION

**RE: San Juan Coal Mine - San Juan Mine - NM0028746**

Dear Ms. Idsal:

The New Mexico Environment Department (Department) has examined the application and proposed National Pollutant Discharge Elimination System (NPDES) permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and appropriate requirements of State law.

Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and statewide water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ( ) denies certification for the reasons stated in the attachment
- ( ) waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the statewide water quality management plan, each of the conditions cited in the draft permit unless otherwise indicated (**see attachments**), and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and statewide water quality management plan.

Please contact Sarah Holcomb at 505-827-2798 if you have any questions concerning this certification.

Conditions and comments pertaining to this draft permit are attached.

Sincerely,

*/s/Shelly Lemon*

Shelly Lemon  
Bureau Chief  
Surface Water Quality Bureau

**State Certification of the Proposed NPDES Draft Permit**

**San Juan Coal Mine – San Juan Mine - NM0028746**

**October 1, 2018**

**Conditions of Certification**

There are no conditions of certification.

**Comments That Are Not Conditions of Certification**

There are no comments.